

asparagine-linked oligosaccharide at a desired position of the peptide chain thereof;

(II) Claim 15, identified in the Action as being drawn to the product of the process of Group I;

(III) Claims 17-19, identified in the Action as being drawn to a process for preparing a glycopeptide having at least one asparagine-linked oligosaccharide at a desired position of the peptide chain thereof and a residue of sialic acid or a derivative thereof at a terminal end thereof, comprising a step of transferring sialic acid or a derivative thereof to the resulting glycopeptide using a sialic acid transferase;

(IV) Claim 20, identified in the Action as being drawn to a process for preparing 5-acetamido-3,5,7-trideoxy-7-fluoro-D-glycero-Beta-D-lacto-2-nonulopyranosidonic acid comprising reacting N-acetyl-4-deoxy-4-fluoro-D-mannosamine, sodium pyruvate, bovine serum albumin and aldolase sialate; and

(V) Claim 21, identified in the Action as being drawn to process for preparing 5-acetamido-3,5,7-trideoxy-7-fluoro-D-glycero-Beta-D-lacto-2-nonulopyranosidonic acid comprising hydrogenating benzyl 2-azido-2,4-dideoxy-4-fluoro--D-mannopyranoside in the presence of acetic anhydride to obtain N-acetyl-4-deoxy-4-fluoro-D-mannosamine, and subsequently

reacting the product with sodium pyruvate, bovine serum albumin and aldolase sialate.

Applicant elects the subject matter of group (I), claims 1 to 12, for prosecution in this application. This election is made without traverse with the understanding that the applicant's rights under 35 U.S.C. §§ 120 and 121 to the filing of a divisional application directed to the non-elected subject matter are retained.

Notwithstanding this election, applicant respectfully requests the Office to withdraw the election as it applies to Groups (I) and (III) and examine both groups. The process of the Group (III) claims, claims 17-19, differs from the process of the Group (I) claims, claims 1-12, only in that one further step is added to the process of the Group (I) claims.

An election of a species of each of the following is also required:

- (A) Glycopeptides,
- (B) Protecting groups,
- (C) Free Amino Group, and
- (D) Reagents to (1) amidate, (2) remove protecting groups, (3) esterify the hydroxyl group, and (4) attach.

Applicant understands the election requirement as it applies to a species of "(B) Protecting groups" to require (a) election of a fat-soluble protective group as recited, for example, in claim 1 and (b) election of protective group for the carboxyl group of the sialic acid as recited, for example, in claim 8.

With respect to (C), a free amino group is a free amino group, i.e.,  $\text{NH}_2$ , and an election is not possible.

Also, the requirement for an election of a species of a reagent to attach ((D)(4)) is not understood by applicant. The claims of the present application do not include an attaching process or step. Claim 7 recites an asparagine-linked oligosaccharide with a bifurcated oligosaccharide attached thereto. However, the attachment is not carried out in the recited process. A reagent for attaching is not recited in the claims of the application and election of a species of a reagent for attaching cannot be made.

In response to the election of species requirements, and in light of the above comments, applicant elects the following:

- (A) Glycopeptide having at least six sugar residues;
- (B) (a) Fmoc group as the fat-soluble protective group and (b) benzyl group as the protective group for the carboxyl group of the sialic acid;

PATENT APPLN. NO. 10/519,983  
RESPONSE TO RESTRICTION REQUIREMENT AND  
ELECTION OF SPECIES REQUIREMENT

PATENT

(D) (1) a combination of HOBT•H<sub>2</sub>O and DIPCDI as a reagent to amidate; (2) piperidine as a reagent to remove protecting groups; and (3) DCC as a reagent to esterify the hydroxyl group.

These elections are also made without traverse. Claims 1 to 12 (and 17-19) are believed to read on the elected species.

The foregoing is believed to be a complete and proper response to the Office Action dated February 27, 2007, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,  
KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik  
Reg. No. 25,401

PATENT APPLN. NO. 10/519,983  
RESPONSE TO RESTRICTION REQUIREMENT AND  
ELECTION OF SPECIES REQUIREMENT

**PATENT**

Atty. Case No. TAM-051  
The Farragut Building  
Suite 710  
900 17th Street, N.W.  
Washington, D.C. 20006  
Tel: (202) 887-9023  
Fax: (202) 887-9093  
RJK/jbf